

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA, *ex rel.*)
DANIEL C. RICHARDSON, *et al.*,)
)
Plaintiff-Relator,)
)
v.)
)
BRISTOL-MYERS SQUIBB COMPANY,)
)
Defendant.)
_____)

Case No. 1:06-cv-11821-NG

STIPULATION OF DISMISSAL

Plaintiff-Relator Daniel C. Richardson (“Richardson”) and Defendant Bristol-Myers Squibb Company (“BMS”) stipulate and agree, with the consent of the United States, that:

1. Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure and the *qui tam* provisions of the False Claims Act, 31 U.S.C. § 3730(b)(1), an order should be entered dismissing with prejudice as to Plaintiff-Relator Richardson and without prejudice as to the United States and the States, all claims asserted in the Amended Complaint on behalf of the United States and the various named States;

2. The dismissal shall be without prejudice to the Plaintiff-Relator’s claim against BMS for statutory attorneys’ fees, expenses, and costs under 31 U.S.C. § 3730(d), and BMS’s response thereto, in connection with the parties previous settlement of certain claims and the related Order of Dismissal entered on October 23, 2007 [Doc. 22-2]. The Court should retain jurisdiction over the case to decide that issue; and

3. Relator and BMS represent that they are attempting to resolve that issue without further litigation. They thus request that the Court grant the parties until July 20, 2010 to file any motions relating to that remaining issue.

4. The parties respectfully request that the Court enter an order in the form of the attached Proposed Order.

Respectfully Submitted,

/s/ Robert D. Keefe

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Date: May 24, 2010

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CONSENT OF THE UNITED STATES OF AMERICA

The United States of America consents to the terms of dismissal of this action.

Respectfully submitted,

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United States Attorney

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Date: May 24, 2010

CERTIFICATE OF SERVICE

Notice of this filing will be sent by email to all parties by operation of the court's electronic filing system or by mail to those parties indicated above who are not able to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the court's CM/ECF System.

By: /s/ David K. Colapinto
David K. Colapinto